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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **JENNIFER KIKUCHI,**

12 Plaintiff,

14 vs.

15 **UNITED COLLECTION SERVICE,**
16 **INC.,**

17 Defendant.

) Case No.

)

) **COMPLAINT**

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) ***JURY TRIAL DEMANDED***

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18 **I. NATURE OF ACTION**

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20 1. This is an action for damages brought by an individual consumer for
21 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
22 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
23 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
24 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
25 privacy by intrusion, ancillary to Defendant's collection efforts.
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28 Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Jennifer Kikuchi, is a natural person residing in the State of Washington, County of King, and City of Bellevue.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, United Collection Service, Inc., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof (§ 1692g(a));
- b. Overshadowing the disclosures required by 15 USC § 1692g(a) during the thirty-day dispute period, including demanding immediate payment of the debt in the initial communication with Plaintiff and threatening to turn the account over to Defendant's "legal department" if Plaintiff did not pay \$600 by September 30th, which was prior to the expiration of the FDCPA's thirty day dispute period (§ 1692g(b));
- c. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff, including telling Plaintiff that she would incur several hundred to a thousand dollars in additional fees and costs if the matter were turned over to Defendant's "legal department" (§ 1692e(10));
- d. Failing to disclose Defendants true corporate or business name in a telephone call to Plaintiff (§ 1692d(6)).

8. Defendant's aforementioned activities, set out in paragraph 7, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

9. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;

1 C. Costs and reasonable attorney's fees,

2 D. For such other and further relief as may be just and proper.

3 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

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5 12. Plaintiff reincorporates by reference all of the preceding paragraphs.

6 **PRAYER FOR RELIEF**

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8 WHEREFORE, Plaintiff respectfully prays that judgment be entered
9 against the Defendant for the following:

10 A. Actual damages

11 B. Punitive Damages; and,

12 C. For such other and further relief as may be just and proper.

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16 Respectfully submitted this 1st day of December, 2009.

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18 s/Jon N. Robbins

19 Jon N. Robbins

20 WEISBERG & MEYERS, LLC

21 Attorney for Plaintiff